

The almost bi-weekly newsletter for Board members & Committee Chairs

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(Note: Sources of information include the AASHTO Journal, NACo staff, and other association news journals)

House Passes Airport Bill--EAS Amendment Included, Senate Vote Soon--Action Needed!

The House of Representatives on June 11 approved H.R. 2115, the reauthorization of the federal airport and aviation program by a vote of 418-8. Known as Flight 100, Century of Aviation Reauthorization Act, the bill included a NACo supported amendment that eliminated a requirement in the bill that certain small and rural communities pay a local match for their Essential Air Service (EAS).

Approximately 40 communities would have been subject to this new match requirement, which would have reached 10 percent by 2008. The amendment to delete this new requirement was sponsored by Representatives Peterson (R-PA), Shuster (R-PA) and McHugh (R-NY) and was adopted by voice vote. The four-year bill authorizes \$59 billion in aviation and airport programs and would provide a total of \$14.8 billion of the Airport Improvement Program, which funds capital improvements at county and other publicly owned airports. The Senate version of the bill, S. 824, has not passed but may be considered at any time by the full Senate. It also includes a match provision for EAS. NACo is supporting an amendment that will be offered by Senators Bingaman (D-NM) and Inhofe (R-OK) that would eliminate the match requirement and urges county officials to contact their senators to support this amendment. (Contact: Bob Fogel 202/942-4217 or bfogel@naco.org)

House Transportation Committee Chairman Young Seeks Transportation "Legacy"

Rep. Don Young (R-AK), chair of the House Transportation & Infrastructure Committee addressed the "Transportation Policies and Priorities for Economic Growth" conference that his \$375 billion reauthorization bill will solve the nation's transportation crisis and establish a legacy upon which to build. The Committee's \$375 billion reauthorization bill goes well beyond the Bush Administration's \$247 billion SAFETEA of 2003. "I am serious. It (transportation reauthorization) isn't going to be SAFETEA, Young told the assemblage, later saying that being stuck in traffic is "money going down the drain or out the exhaust pipe" and that is "not a legacy I want to leave behind." Young's proposal is centered on a number of fiscal measures including a retroactive indexing of the gas tax that amounts to an increase of 5 cents from the current 18.4 cents per gallon. He said the current gas tax now has the buying power of 13 cents.

Sen. Christopher "Kit" Bond (R-MO) addresses Mobility Coalition-Urges Contact Now with Federal Legislators

Sen. Bond told the Americans for Transportation Mobility coalition that the best way to assure passage of a comprehensive package is to visit their federal legislators and make "personal contact". Bond, chairman of the Senate Transportation and Infrastructure subcommittee of the Committee on Environment and Public Works laid out support for his \$255 billion reauthorization proposal. He said, "I am a true believer in transportation investment and its vital link to jump starting our nation's economy." He urged members to contact their Senators and encourage them to support the bill so that it may be marked up on July 7 and reach the Senate floor on July 21, prior to the August recess and in time for the September Reauthorization deadline. Bond told the audience that \$1 billion in highway investment leads to the creation of 47,500 jobs. "On average, 114 people lose their lives on our nation's highways daily," he said. The DOT shows that the

number of deaths and injuries results in over \$200 billion in economic loss to the nation each year.

House Subcommittee Approves FY04 Homeland Security Appropriations Bill

On June 12, 2003, the House Appropriations Subcommittee on Homeland Security held a markup and approved FY04 funding for the Department of Homeland Security (DHS). The legislation "recognizes that, while DHS has the lead in developing our national homeland security strategy, implementation of the strategy requires the active participation of state and local governments and the private sector," as quoted in a press release from Subcommittee Chairman Harold Rogers (R-KY). Of particular concern to counties nationwide was the question of how much additional funding for America's first responders will be allocated in the next fiscal year? Overall, the legislation is consistent with NACO's position on funding for first responders, and provides additional funding to many other initiatives important to the counties nationwide including:

- \$1.9 billion for the Office for Domestic Preparedness' basic formula grant program or State Homeland Security Grant Program;
- \$500 million for state and local law enforcement terrorism prevention grants;
- \$500 million for high-threat, high-density urban areas;
- \$200 million Critical Infrastructure Grants;
- \$750 million for Firefighter Assistance Grants;
- \$168 million for Emergency Management Performance Grants;
- \$35 million for a new competitive grant program for Centers for Emergency Preparedness;
- \$125 million for the National Domestic Preparedness Consortium; and
- \$134 million for technical assistance, national exercises, standards, and testing.

Other highlights of the bill include:

- \$163 million for administrative and outreach activities with federal, state, and local governments, and with the private sector which owns and operates 85 percent of the nation's infrastructure;
- \$1.8 billion for Disaster Relief;
- \$200 million for the Flood Map Modernization Fund ;
- \$153 million for FEMA's Emergency Food and Shelter Program;
- \$91 million for National Flood Insurance Fund;
- \$35 million for Emergency Operations Centers, a new competitive grant program to support community emergency operations centers. (Contact: Dalen Harris 202/942-4236 or dharris@naco.org)

5th National Transportation Asset Management Conference & Workshop Planned

Work is underway now planning this conference in two locations this year. From September 29 – 30, 2003 it will be held in Atlanta, GA while from October 21 –22, 2003 it will be held in Seattle, WA. The theme at this year's conference will be "Moving from Theory to Practice". Case studies from states and local governments will be highlighted. You can learn from your peers in sessions on the latest tools and technology, how to get started, data integration, private-public sector lessons, meeting GASB-34, local government experience and communicating with leaders. Both NACE and APWA are coordinating local government case study presentations. Please mark you calendar for these upcoming events. TRB, the American Association of State Highway and Transportation Officials, and the Federal Highway Administration have created a community-of-practice web site designed to bring together transportation experts interested in asset management and give them the capability not only to read the latest research, but also to interact and share their experiences in asset management. - <http://assetmanagement.transportation.org>

For registration information see <http://gulliver.trb.org/conference/Asset/>

NACE 2007 Conference Hosting – The Deadline Approaches – No Requests Received to Date

With the selection of the County Road Association of Michigan to host the NACE 2006 annual conference in Grand Rapids, MI, we now turn to the hosting of NACE 2007. The deadline for nominations is July 11, 2003. Only NACE state affiliates can submit nominations. What is required is a letter of intent with a location and prospective hotel(s), which can meet the minimum room night and meeting space requirements. No negotiations with hotels are necessary but some basic information is helpful and usually available from the local convention bureau or its equivalent.

Retroreflectivity – The Latest

NACE has been a member of the AASHTO Task Force on Retroreflectivity for a number of years and have been working to expand options for retroreflectivity achievement including not publishing values for markings and signage in the MUTCD. The AASHTO Board of Directors are now recommending a change in Section 406 of the present law regarding establishment of minimum retroreflectivity values for signs and pavement markings.

The AASHTO recommendation would remove the requirement of FHWA having to establish retroreflectivity values for both signs and markings. They do, however recommend in its place that agencies establish a management program to review these devices with an official process to maintain good sign and pavement marking for the driving public. AASHTO says they believe this is a much better process and could avoid the Tort Liability issues of having to maintain a certain level of retroreflectivity for both signs and markings. The specifics are as follows:

“Proposed Legislative Modification

Road Management – Retroreflectivity Requirements for Roadway Signs and Pavement Markings

Public Law 102-388, Oct. 6, 1992 (Department of Transportation and Related Agencies Appropriations Act, 1993)

CURRENT

Section 406 – The Secretary of Transportation shall revise the Manual of Uniform Traffic Control Devices to include –

- (a) a standard for a minimum level of retroreflectivity that must be maintained for pavement markings and signs, which shall apply to all roads open to public travel; and
- (b) a standard to define the roads that must have a centerline or edge lines or both, provided that in setting such standard the Secretary shall consider the functional classification of roads, traffic volumes, and the number and width of lanes.

PROPOSED

Section 406 – The Secretary of Transportation shall revise the Manual of Uniform Traffic Control Devices to include –

- (a) **the establishment of a management process to provide for reasonably maintained nighttime visibility of traffic control devices, including traffic signs and pavement markings;** and
- (a) a standard to define the roads that must have a centerline or edge lines or both, provided that in setting such standard the Secretary shall consider the functional classification of roads, traffic volumes, and the number and width of lanes.

BACKGROUND

Retroreflective traffic control devices are widely used for nighttime visibility and safety. Congress in 1991 directed the U.S. Department of Transportation to establish “a standard for a minimum level of retroreflectivity that must be maintained for pavement markings and signs which apply to all roads open to the public travel.” Since that period of time there has been considerable research conducted in an attempt to establish these standards.

The results of the retroreflectivity research indicated the levels of retroreflectivity needed for visibility of signs and markings are not an exact science. Instead the values are subject to many factors such as weather, driver age, eye-height of the driver, vehicle type, and type of headlamps on the vehicle. With the US population aging, and vehicle and headlamps changing it is even more difficult to establish standard values for maintained retroreflectivity of signs and markings.

AASHTO concurs that it is desirable to maintain an adequate level of retroreflectivity for both traffic signs and pavement markings to enhance safety for motorists during hours of darkness and during adverse weather conditions. However there is concern about additional liability for transportation agencies if the proposed minimum levels of retroreflectivity values are established in the Manual on Uniform Traffic Control Devices

The efforts to ensure adequate night visibility should not impose undue burdens on highway agencies, and to that end, AASHTO recommends that congress reconsider the requirement of putting such information in the MUTCD.

Instead the law should be changed to allow agencies to establish a management process to provide reasonably maintained nighttime visibility of traffic control devices. This process could use one or more of the following methods:

- Nighttime inspections
- Sign and markings management system
- Sign Life Analysis
- Other methods as appropriate.

Recommendations for Legislation

Revise section 406(a) of the 1993 Department of Transportation Appropriations Act that required the Secretary of Transportation to revise the Manual on Uniform Traffic Control Devices to include a standard for minimum level of retroreflectivity that must be maintained for traffic signs and pavement markings. These retroreflectivity levels should not be published as part of the Manual on Uniform Traffic Control Devices. Instead agencies should establish a process to provide reasonably maintained nighttime visibility of traffic signs and pavement markings. Signs and pavement markings that do not provide reasonably maintained nighttime visibility should be replaced within a reasonable time.